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August 7, 2009

To:

Telephone:

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Petition Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA22313-1450

571-273-8300

From: David L. Alberti
Reg. No. 43,465
650-833-2052

Client-Matter Number: 351909-991180

Re: U.S. Patent No. 6,909,819 Issued: June 21, 2005
Entitled: System And Method For Canceling Disturbance MEMS Devices

Pages: - 6 - (including this form) Originals: ☐ will be mailed ☒ will not be mailed

Message:

Attorney Docket No.: 351909-991180
U.S. Patent No. 6,909,819
Issued: June 21, 2005
Entitled: System And Method For Canceling Disturbance MEMS Devices

Attached are the following documents:

1. Transmittal Form (1 pg);
2. Petition To Accept Unintentionally Delayed Payment Of Maintenance Fee In An Expired Patent (37 CFR 1.378(c)(3 pg);
3. Notification Of Loss of Entitlement To Small Entity Status (1 pg.).

Certificate of Transmission by Facsimile

I hereby certify that this correspondence is being transmitted
by facsimile to Fax No. (571) 273-8300 to the
US Patent and Trademark Office on:

August 7, 2009

Kathleen LaBrie
Kathleen LaBrie

CONFIDENTIALITY NOTICE

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(Form Rev. 6/5/00)

WEST21776740.1
351909-991180

AUG 07 2009

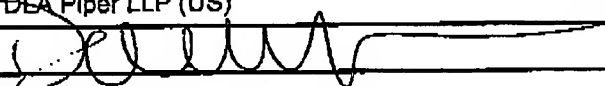
PTO/SB/21 (07-09)

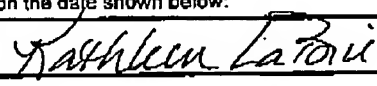
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	6,909,819	RECEIVED
	Filing Date	June 21, 2005	
	First Named Inventor	Tremaine	
	Art Unit	2874	OFFICE OF PETITIONS
	Examiner Name	Brian Healy	
Total Number of Pages in This Submission	6	Attorney Docket Number	351909-991180

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached-via deposit account authorization <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - Petition to Accept Unintentionally Delayed Payment Of Maintenance Fee In An Expired Patent (37 CFR 1.378(c)) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notification of Loss of Entitlement To Small Entity Status
Remarks The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 07-1896 referencing our docket number 351909-991180. Customer No. 26379		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	DLA Piper LLP (US)	
Signature		
Printed name	David L. Alberty	
Date	August 7, 2009	Reg. No. 43,465

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO (571-273-8300) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Kathleen LaBrie	Date August 7, 2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)
351909-991180

Mail to: Mail Stop Petition Commissioner
for Patents P.O. Box 1450
Alexandria, VA 22313-1450 Fax:
(571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6909819Application Number 10825897Issue Date June 21, 2005Filing Date April 16, 2004

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

08/12/2009 DALLEN 00000011 071896 6909819

01 FC:1599 2620.00 DA

☐

is a reissue of original Patent No. _____

original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

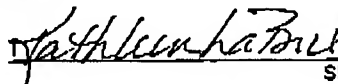
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

August 7, 2009

Date



Signature

Kathleen LaBrie

Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/66 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 980.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____☒ Please charge Deposit Account No. 07-1896 the sum of \$2,620.00.☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 07-1896.

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7. OVERPAYMENT

As to any overpayment made please


- ☒ Credit to Deposit Account No. 07-1896.
- OR
- ☐ Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.
Signature(s) of Petitioner(s)August 7, 2009

Date

David L. Alberti

Typed or printed name(s)

43,465

Registration Number, if applicable

650-833-2052

Telephone Number

DLA Piper LLP (US), 2000 University Avenue, East Palo Alto, CA 94303

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☒ Maintenance Fee payment —via deposit account authorization
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition) — via deposit account authorization
- ☒ Notice of loss of entitlement to small entity status

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No. : 6,909,819
Applicant : Tremaine et al.
Issued : June 21, 2005
Title : System And Method For Canceling Disturbance Mems Devices
Docket No. : 351909-991180
Customer No. : 26379

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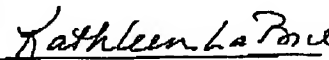
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August 7, 2009.

DLA PIPER LLP (US)



Kathleen LaBrie

NOTIFICATION OF LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27(g)(2)

Sir:

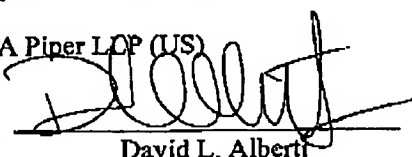
Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity and that the claim for small entity status is hereby withdrawn.

Should it be determined that fees have been incurred by this submission, the Commissioner is hereby authorized to charge any fees which may be required, or credit in the overpayment, to Deposit Account No. 07-1896 referencing Attorney Docket No. 351909-991180.

Respectfully submitted,

DLA Piper LLP (US)

By:



David L. Alberti

Reg. No. 43,465

Attorneys for Applicant(s)

Dated: August 7, 2009

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351909-991180